

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL CASE NO. 3:09cv25**

**EDWARD H. BYERS,** )  
                        )  
**Plaintiff,**       )  
                        )  
**vs.**                )                      **O R D E R**  
                        )  
**JANET NAPOLITANO,** )  
**Secretary, U.S. Department of**     )  
**Homeland Security,**        )  
                        )  
**Defendant.**        )  
\_\_\_\_\_  
                        )

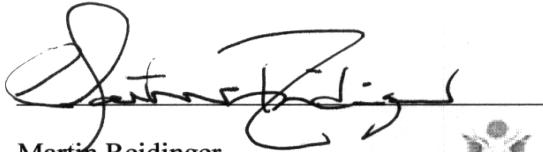
**THIS MATTER** is before the Court on the Defendant's Report  
Regarding Selection of Mediator [Doc. 18] and the Plaintiff's  
Recommendation of Mediator [Doc. 19].

The Defendant reports that he has been unsuccessful in making  
contact with the Plaintiff concerning the selection of a mediator. The  
names of three mediators drawn from the official list have been suggested.

The Plaintiff responded by suggesting two additional individuals but  
did not state whether they are on the official list of mediators. A review of  
the District's internet site discloses that each individual is on the official list.

The Court will provide the parties an additional opportunity to select a mediator. The Plaintiff is cautioned that although he appears in a *pro se* status, he must cooperate with counsel for the Defendant. If the parties are unable to agree, the Court will make the selection.

**IT IS, THEREFORE, ORDERED** that on or before fifteen (15) days from entry of this Order, each of the parties shall file written notice of the selection of a mediator or of the inability to do so. The response may not exceed one page.



Martin Reidinger  
United States District Judge



Signed: August 4, 2009